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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,481	07/23/2003	Makoto Fujiwara	60188-593	7409
<div>7590 04/16/2008</div> <div>Jack Q. Lever, Jr. McDERMOTT, WILL & EMERY 600 Thirteenth Street, N.W. Washington, DC 20005-3096</div>				
EXAMINER				
LEMMA, SAMSON B				
ART UNIT		PAPER NUMBER		
2132				
MAIL DATE		DELIVERY MODE		
04/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/624,481

Applicant(s)

FUJIWARA ET AL.

Examiner

Samson B. Lemma

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 01/23/2008

DETAILED ACTION

1. This is in reply to response to election/restriction filed on 01/24/2008. Applicant's election of Group I (claims 1-11) without traverse is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted Under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

Response to Arguments

3. Applicant's remark/arguments filed on October 04, 2007 have been fully considered but are moot in view of new ground(s) of rejection

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the

invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 1-8 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al (hereinafter referred as Lin)(U.S.

Publication No. 2002/0078380 A1) (filed on 12/20/2000).

6. **As per independent claims 1 and dependent claim 2 Lin**
discloses a method for developing a program which is to be installed in a system having an LSI device [figure 1, ref. Num “104”], the LSI device having a secure memory which includes an unrewritable area [paragraph 0008] , the method comprising the steps of:

providing another LSI device having the same structure as that of the LSI device [Figure 1, ref. Num “108”]; setting the provided LSI device to a development mode so that the provided LSI device is used as a development LSI device, the development mode being different from a product operation mode employed at the times of program installation and product operation; and developing the program on the

- development LSI device.** [Abstract, paragraph 0014 and paragraph 0016-0017]
7. **As per independent claims 8 and 10** Lin discloses a program development supporting system for supporting development of an encrypted program,*[Paragraph 0012]* **Comprising**
- a development LSI device having the same structure as that of an LSI device on which the encrypted program runs** *[Paragraph 0012]; and*
- an external memory for storing a raw (binary) program, wherein the development LSI device includes a secure memory for storing common key information regarding a raw common key, and the development LSI device is capable of executing a first step of obtaining the raw common key from the common key information stored in the secure memory, and a second step of encrypting the raw (binary) program input from the external memory using the raw common key.** *[Paragraph 0016-0017]*
8. **As per dependent claims 3** Lin discloses a method as applied to claims above. Furthermore Lin discloses the method further comprising the step of encrypting the program developed on

the development LSI device at the program development step.

[Paragraph 0012 and 0017]

9. **As per dependent claims 4** Lin discloses a method as applied to claims above. Furthermore Lin discloses the method wherein the operation of the LSI device is restricted such that when being set to the development mode, the LSI device cannot generate a key for encrypting a raw (binary) program.

[Paragraph 0016-0017]

10. **As per dependent claims 5-7** Lin discloses a method as applied to claims above. Furthermore Lin discloses the method further comprising the steps of: providing an LSI device having the same structure as that of the LSI device; setting the provided LSI device to a key-generation mode so that the provided LSI device is used as an key-generation LSI device, the key-generation mode being different from the development mode and the product operation mode; and installing an encrypted key-generation program in the key-generation LSI device and executing the key-generation program to generate a key.[

Paragraph 0012 and 0016-0017]

Allowable Subject Matter

- 11. Claims 9 and 11** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-873-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Samson B Lemma/

Examiner, Art Unit 2132

04/10/2008

/Gilberto Barron Jr/

Supervisory Patent Examiner, Art Unit 2132